

USSN: 10/522,120160-P-1588USWO**Remarks**

Applicants have amended claim 38 as shown above. Support for this amendment may be found in the written description at, e.g., paragraph 0024. Following entry of this amendment, claims 1-41 will be pending in this application. No claims have been allowed.

Objection to the Specification

The specification was objected to on grounds that:

"the original specification discloses using a resin within a specified range (¶0023). However, it does not provide the temperature at which the viscosity is to be measured in either the claim or in the specification.

"Appropriate correction is required." (see the Office Action at page 2).

Viscosity values like those recited in paragraph 0023 refer to kinematic viscosity expressed in cm²/second or Stokes, and may be measured using the "bubble time method" and glass capillary tubes according to the procedure described in ASTM D 1545-98¹. ASTM D 1545-98 calls for a 25° C sample temperature (see paragraph 4.4²) and "adequate control" of the temperature bath (see paragraph 4.2, Note 3). The reported results include the observed "bubble seconds" or "approximate stokes" (see paragraph 5.1.1). However, the sample temperature is not a reporting item (see paragraph 5.1.1), and applicants were not required to include it. For example, in applicants' paragraph 0063 the Example 1 alkyd resin was said to

¹ The current version of this standard is D 1545-07 but is dated after applicants' filing date.

² The ASTM copyright license agreement limits the extent to which copies of ASTM standards may be publicly distributed and thus applicants have not enclosed a copy of ASTM D 1545-98 or the other ASTM standards mentioned below. Applicants believe however that the Examiner has access to ASTM standards through the USPTO Scientific and Technical Information Center. If not, the Examiner is requested to contact to the undersigned attorney so that access to a copy may be arranged.

USSN: 10/522,120160-P-1588USWO

have "a viscosity of Y-Z1 using a Gardner Bubble Tube"³ but the temperature was not reported. Applicants can confirm however that a 25° C temperature was employed, and if desired by the Examiner could submit a corroborating declaration.

Paint or coating viscosities may be measured using a variety of other techniques and units, for example using a Stormer-type viscometer which provides a measurement in Krebs Units or KU (see ASTM D 562-01 (Reapproved 2005)), using a Ford Cup Viscometer which provides a measurement in seconds (see ASTM D 1200-94 (Reapproved 2005)), using a rotational (Brookfield type) viscometer which provides a measurement in centipoise or mPa·s (see ASTM D 2196-99, Test Method A⁴), using a Zahn Cup Viscometer which like the Ford Cup Viscometer provides a measurement in seconds (see ASTM D 4212-99 (Reapproved 2005)) or using a cone/plate viscometer which provides a measurement in poises (see ASTM D 4287-00 (Reapproved 2005)). Like ASTM D 1545-98, these other ASTM standards all call for a 25° C measurement temperature (see ASTM D 562-01 at paragraph 9.2; ASTM D 1200-94 at paragraph 8.1; ASTM D 2196-99 at paragraph 9.1; ASTM D 4212-99 at paragraph 8.1; and ASTM D 4287-00 at paragraph 8.4). However, unlike ASTM D 1545-98, these other ASTM standards also call for reporting the specimen or fluid temperature (see paragraph 12.1.3 of ASTM D 561-01 (2005), paragraph 13.1.1 of ASTM D 1200-94 (2005), paragraph 11.1.3 of ASTM D 2196-99, paragraph 12.1 of ASTM D 4212-99 and paragraph 10.1.5 of ASTM D 4287-00 (2005)). For example, applicants' paragraphs 0065 and 0067 report two Ford Cup Viscometer values together with the specimen temperatures.

A person having ordinary skill in the art who reviewed applicants' specification would recognize from the units employed in paragraph 0023 and the measurement reported in paragraph 0063 that a 25° C temperature was employed for the recited kinematic viscosity values and did not have to be reported. Applicants have not amended paragraph 0023 to add this 25° C temperature but could do so if requested by the Examiner.

³ See Table 1 in ASTM D 1545-98 for conversion of the reported Y-Z1 viscosity to Stokes or cm²/second.

⁴ The current version of this standard is D 2196-05 but is dated after applicants' filing date.

USSN: 10/522,120160-P-1588USWO**Objection to Claim 38**

As requested by the Examiner, claim 38 has been rewritten to recite acid number units in "mg KOH/g".

Rejection of claim 39 under 35 USC §112

Claim 39 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, on grounds that:

"Claim 39 recites a limitation on the viscosity of the alkyd resin. However, it does not provide the temperature at which the viscosity is to be measured in either the claim or in the specification. Since viscosity is temperature dependent this leaves the claim indefinite." (see the Office Action at page 2).

For reasons like those discussed above in connection with the objection to paragraph 0023, a person having ordinary skill in the art who reviewed claim 39 would recognize that a 25° C temperature is employed for the recited kinematic viscosity values and does not have to be recited. Applicants have not amended claim 39 to add this 25° C temperature but could do so if requested by the Examiner.

Rejection of claims 1-18, 21-25, and 27-29 under 35 U.S.C. §102(b)

Claims 1-18, 21-25, and 27-29 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,087,464 (Swarup et al.) on grounds *inter alia* that:

"Considering Claim 1: Swarup et al. teaches a coating composition (2:15-18) comprising an alkyd resin with a polydispersity of greater than 1/less than 2 (11:34-41) that is the reaction product of a polyester component (13:38-42) and a fatty acid component (13:53-65) that is preferably saturated (13:65-67); and a amino resin crosslinker (14:34-39). Swarup et al. also teaches the composition as having low discoloration/being substantially color stable (10:18-20)." (see the Office Action at page 3).

Reconsideration is requested. Swarup et al. do not recite using "an alkyd resin having a polydispersity of less than about 2" as recited in claim 1. Swarup et al. instead say only that

USSN: 10/522,120160-P-1588USWO

their polymeric vehicle can contain polyols "selected from the group consisting of polyesters, alkyd polymers, acrylic polymers and epoxy polymers" with a polydispersity index (PDI) "greater than one" (see e.g., col. 2, lines 22-23 and col. 11, lines 34-37). However, in real life polymer polydispersity values are always greater than one:

"3. What do the terms polydispersity and monodispersity mean?"

"Monodispersity is a subset of the term polydispersity. Polydispersity is a ratio used by polymer scientists to represents the broadness of a molecular weight distribution. Polydispersity is the ratio of the number average molecular weight (M_n) to the weight average molecular weight (M_w). If the polydispersity is equal to 1, then M_n equals M_w and the polymer is said to be monodisperse. In real life, polymers are not truly monodisperse, although polystyrenes made anionically can come close to having a polydispersity of 1. As M_n changes with M_w , the polydispersity changes. It will always be greater than 1." (see the February 27, 2004 Internet Archive web page at

Swarup et al. do not say what the polydispersity of their alkyd resins actually might be and do not provide weight average molecular weight values which might enable calculation of those polydispersity values.

The cited passage at col. 10, lines 18-20 does not teach a composition "having low discoloration/being substantially color stable". The cited passage merely says that Swarup et al.'s reaction products have "reduced" discoloration through control of the reaction exotherm during synthesis. Similar statements are made at col. 10, lines 26-27 ("lower color index values") and col. 17, line 53 (synthesis of a resin with a color rating of <3 Gardner). Swarup et al. are actually referring to the resin color, and not the color stability of a coating made from their resin. Swarup et al. also include several references to "baking" (see e.g., col. 16, lines 32 and 48-54, col. 17, lines 22-29, col. 18, line 57 and col. 20, line 21), but their discussion of "baking" refers to an initial cure cycle, not to a color change during curing, let alone a color change during "rebaking". Applicants claimed coating composition is

USSN: 10/522,120160-P-1588USWO

"substantially color stable". Applicants further describe the term "substantially color stable" at, e.g., paragraphs 0038 through 0040 as follows:

"[0038] *The coated substrate with the coating composition of the present invention is preferably substantially color stable. As used in the present invention "substantially color stable" means that a coated substrate does not substantially discolor or become yellow after being "rebaked." The "rebake" process, as used herein, relates to the procedure that coated substrates are often subjected to, wherein a coated substrate that has been previously cured or "baked," is further subjected to a subsequent baking process or processes to dry or cure a subsequently coated substrate (e.g., a subsequent coating applied on the other major opposing side of the coated substrate). For example, a package used as an aerosol can, may have an outer decorative surface (coated with a coating composition of the present invention), and an inner surface that is coated with a protective coating to protect the package contents. The inner surface may be coated baked after the outer coating has already been subjected to a curing process. Consequently, the coating of the present invention should preferably be color stable under "rebake" conditions which may be as high as 10 minutes at 205 °C.*

"[0039] *The rebake process also accelerates the natural aging process that a coating composition typically undergoes. Coatings that are not color stable tend to discolor over time. Rebaking a cured coating at 205 °C for 10 minutes simulates the natural aging process. A measure of the change between the initial color and the final color after rebaking indicate coatings with a potential to be color stable over prolonged periods of time.*

"[0040] *Color stability of the coating composition may be measured as a change between the initial color (L, a, b-values) after curing and the final color after rebaking using a Hunter Lab ColorQuest Colorimeter. Particularly, the change in b-values (denoted as " Δb ") indicates the extent of yellowing of the coating as a result of rebaking. The greater the Δb -value, the more yellowing. Preferably, the change in Δb -values between the initial color after curing, and the final color after rebaking is*

USSN: 10/522,120

160-P-1588USWO

less than about +1 unit, more preferably less than about +0.5 units, and most preferably less than about +0.25 units."

Although Swarup et al. refer to "weatherability" and "weather resistance" (see e.g., col. 1, line 66 through col. 2, line 3 and col. 13, lines 65-66), weatherability or weather resistance can involve many properties other than color stability, such as adhesion, gloss retention, freedom from cracking and freedom from crazing. Swarup et al. also refer to the clarity and uniformity of some of their baked panels (see e.g., Table 1 and Table 3). However, Swarup et al. do not discuss rebaking or color stability and do not provide experimental results showing a composition that is "substantially color stable" as recited in Applicants' claim 1. Swarup et al. do not recognize or address the problem addressed by applicants, and do not show coating compositions containing "an alkyd resin having a polydispersity of less than about 2" or coating compositions that are "substantially color stable". Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-18, 21-25, and 27-29 as being anticipated by Swarup et al.

The Office Action also asserts at page 3 that:

"Considering Claims 2-4, 29, and 30: The Office realizes that all of the claimed effects or physical properties are not positively stated by the reference(s). However, the reference(s) teaches all of the claimed ingredients. Therefore, the claimed effects and physical properties, i.e. the change in the b color component or the flexibility, would inherently be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be provided to support the applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties with only the claimed ingredients."

Reconsideration is requested. Swarup et al. do not teach "all the claimed ingredients". As discussed above, Swarup et al. nowhere say to make a coating composition from "an alkyd resin having a polydispersity of less than about 2", and do not show compositions whose "change in the b color component ... would inherently be achieved". A variety of alkyd resins with a variety of polydispersity values might be made using the many ingredients

USSN: 10/522,120160-P-1588USWO

referred to by Swarup et al. at col. 13, lines 35-67. Swarup et al. exemplify coating compositions made using the reaction product of a phenolic ester alcohol and parahydroxy benzoic acid (see Example I and Example II), but do not exemplify coating compositions made from an alkyd. Applicants are thus unable to provide experimental comparisons to any specific alkyd-based coating composition in Swarup et al.

Regarding the additional assertions in the Office Action at pages 3 and 4 concerning claims 5-14 and 16-28, applicants rely on their arguments given above for claim 1.

Regarding claim 15, the Office Action asserts at page 4 that:

"Considering Claims 14 and 15: Swarup et al. teaches the diols as being a mixture (11:65-66) of neopentyl glycol and trimethylol propane (11:66-12:13)."

Reconsideration is requested. Swarup et al. list 27 diols and 4 triols in the cited passage, but do not differentiate among them and do not say to use a "blend of neopentyl glycol and trimethylol propane" as recited in claim 15. Applicants used such a blend in their Example 1 alkyd resin, and showed low color change on rebaking a coating composition containing that resin in their Example 6.

Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-18, 21-25, and 27-29 as being anticipated by Swarup et al.

Rejection of claims 31-37 and 40 under 35 U.S.C. §102(b)

Claims 31-37 and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by Swarup et al., on grounds that:

"Considering Claims 31-33: Swarup et al. teaches a coating composition (2:15-18) comprising an alkyd resin with a polydispersity of greater than 1/less than 2 (11:34-41) that is the reaction product of a polyester component (13:38-42) and a fatty acid component (13:53-65) that is preferably saturated (13:65-67). Swarup et al. teaches the polyester being a reaction product of a aliphatic polyol and a acid that is preferably phthalic anhydride, isophthalic acid, succinic acid, or adipic acid (13:43-52) and the alkyd resin having a

USSN: 10/522,120160-P-1588USWO

number average molecular weight of from 500 to 20,000 (13:35-42). " (see the Office Action at pages 4-5).

Reconsideration is requested. As explained above, Swarup et al. do not teach an alkyd resin with a polydispersity "less than 2", do not say what the polydispersity of their alkyd resins actually might be and do not provide weight average molecular weight values which might enable calculation of those polydispersity values.

Regarding the additional assertions in the Office Action at page 5 concerning claims 34, 36, 37 and 40, applicants rely on their arguments given above for claim 1 and 31-33.

Regarding claim 35, the Office Action asserts at page 5 that:

"Considering Claims 34 and 35: Swarup et al. teaches the diols as being a mixture (11:65-66) of neopentyl glycol and trimethylol propane (11:66-12:13. "

Reconsideration is requested, for the reasons given above concerning claim 15.

Swarup et al. list 27 diols and 4 triols in the cited passage, but do not differentiate among them and do not say to use a "blend of neopentyl glycol and trimethylol propane" as recited in claim 35.

Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 31-37 and 40 as being anticipated by Swarup et al.

Rejection of claim 41 under 35 U.S.C. §102(b)

Claim 41 was rejected under 35 U.S.C. §102(b) as being anticipated by Swarup et al., on grounds that:

"Considering Claim 41: Swarup et al. teaches a steel panel/metal substrate coated with a a coating composition (2:15-18) comprising an alkyd resin with a polydispersity of greater then 1/less than 2 (11:34-41) that is the reaction product of a polyester component (13:38-42) and a fatty acid component (13:53-65) that is preferably saturated (13:65-67); and a amino resin crosslinker (14:34-39). Swarup et al. also teaches the composition as having low discoloration/being substantially color stable (10:18-20). Swarup et al. also teaches the alkyd resin as having a number average molecular weight of from 500 to 20,000 (13:35-42). " (see the Office

USSN: 10/522,120160-P-1588USWO

Action at page 5).

Reconsideration is requested, for the reasons given above concerning claims 1 and 31-33. Swarup et al. do not teach an alkyd resin with a polydispersity "less than 2", do not say what the polydispersity of their alkyd resins actually might be and do not provide weight average molecular weight values which might enable calculation of those polydispersity values. Swarup et al. also do not discuss rebaking or color stability and do not provide experimental results showing a composition that is "substantially color stable" as recited in Applicants' claim 41. Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claim 41 as being anticipated by Swarup et al.

Rejection of claims 19 and 20 under 35 U.S.C. §103(a)

Claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Swarup et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,269,839 (Sodhi), on grounds that:

"Considering Claims 19 and 20: Swarup et al. teaches the composition of claim 1 as shown above.

"Swarup et al. does not teach the acid number as being as claimed. However, Sodhi teaches an alkyd resin for coatings that has an acid number of between 5 and 10 (2:29-43). Swarup et al. and Sodhi are combinable as they are concerned with the same field of endeavor, namely alkyd resin coatings. It would have been obvious to a person having ordinary skill in the art at the time of invention to have used an alkyd resin with the acid number of Sodhi in the coating of Swarup et al., and the motivation to do so would have been, as Sodhi suggests to provide a clear resin (1:23)." (see the Office Action at page 6).

Reconsideration is requested. For the reasons already discussed above, the Office Action is incorrect when it asserts that "Swarup et al. teaches the composition of claim 1". Swarup et al. do not do so, for at least the reason that Swarup et al. do not show a coating composition made using "an alkyd resin having a polydispersity of less than about 2".

Sodhi would not be combined with Swarup et al. as proposed. Sodhi monitors acid number in order to follow the progress of his reaction (see e.g., col. 2, lines 35-36), but

USSN: 10/522,120160-P-1588USWO

nowhere states or implies that acid number and resin clarity are related. The coatings art is full of clear resins. No proper basis has been provided for selecting Sohdi from amongst all that art and combining Swarup et al. with Sohdi as proposed in the Office Action. If Swarup et al. and Sohdi were nonetheless combined, the result would not provide the coating composition of applicants' claims 19 and 20. These claims recite the use of a reaction product of a polyester component and a "substantially saturated fatty acid component". Sohdi requires the use of a natural, linoleic acid-rich drying fatty acid (see e.g., col. 1, lines 43-47 and 65-68, col. 2, lines 44-47, Examples 1 through 4 and claim 1). Linoleic acid is unsaturated. The Office Action has not shown how Sohdi's acid number should be employed without also employing Sohdi's unsaturated fatty acid.

The Office Action also has not shown where in Sohdi there is any discussion of polydispersity or any basis in Swarup et al., Sohdi or any combination of Swarup et al. and Sohdi for making a coating composition using "an alkyd resin having a polydispersity of less than about 2".

The proposed combination does not satisfy the requirements for a §103 rejection, see MPEP §2141.02 ("A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention"), MPEP §2143.01 V ("If [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification") and MPEP §2143.01 VI ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious"). Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claims 19 and 20 as being unpatentable over Swarup et al. in view of Sohdi.

Rejection of claim 26 under 35 U.S.C. §103(a)

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Swarup et al. as applied to claim 1 above, and further in view of U.S. Patent No. 4,857,578 (Hall), on grounds that:

"Considering Claim 26: Swarup et al. teaches the composition of claim 1 as

USSN: 10/522,120

160-P-1588USWO

shown above.

"Swarup et al. does not teach the composition as comprising a wax.

However, Hall teaches adding a polyethylene wax (4:54-57) to an alkyd resin coating (2:18-20). Swarup et al. and Hall are combinable as they are concerned with the same field of endeavor, namely alkyd resin coatings. It would have been obvious to a person having ordinary skill in the art at the time of invention to have added the wax of Hall to the coating of Swarup et al., and the motivation to do so would have been, as Hall suggests, to reduce the surface tension of the coating and therefore increase the water stability of the coating (4:33-35)." (see the Office Action at page 7).

Reconsideration is requested. For the reasons already discussed above, the Office Action is incorrect when it asserts that "Swarup et al. teaches the composition of claim 1", and Swarup et al. do not show a coating composition made using "an alkyd resin having a polydispersity of less than about 2".

Hall would not be combined with Swarup et al. as proposed. Hall describes a wood coating (See e.g., col. 1, lines 6-7), which typically would be air-dried (see e.g., the Drying Time entries in Table 3). Hall says it is important that the wax in his coating "not be subjected to a temperature in excess of 130° F" lest the wax undergo breakdown or congealing (see e.g., col. 5, lines 52-61). Swarup et al.'s coatings are thermosetting coatings which are cured by baking (see e.g., col. 16, lines 48-62). Although Swarup et al. say they can use baking temperatures as low as 25° C under some conditions (see col. 16, lines 54-57), coatings like those described by Swarup et al. normally would be applied to metal panels in a coil coating operation and cured at much higher temperatures (see e.g., col. 16, lines 52-54, col. 18, lines 41-43 and the 300° F (149° C) temperature used in Swarup et al.'s examples). If asked to consider the matter, a person having ordinary skill in the art would not combine Swarup et al. and Hall as proposed because doing so would provide a coating composition whose wax content might congeal if subjected to Swarup et al.'s coil coating baking cycle.

Although Hall says he can use fully saturated or predominantly unsaturated oils (see e.g., col. 3, lines 15-22), Hall says that predominantly unsaturated oils "give more tough and durable resins" (col. 3, lines 19-20) and Hall uses only a "Medium oil length soya alkyd

USSN: 10/522,120160-P-1588USWO

resin" in his examples (see col. 6, line 62). Soya oil is rich in the unsaturated fatty acid linoleic acid (see e.g., Sohdi at col. 1, lines 43-45) and contains other unsaturated fatty acids as well. No proper basis has been provided for selecting Hall and combining it with Swarup et al. as proposed in the Office Action. If Swarup et al. and Hall were nonetheless combined, the result would not provide the coating composition of applicants' claim 26, as no proper basis has been provided for using a saturated fatty acid in preference to the unsaturated fatty acid Hall exemplified and apparently preferred by Hall.

The Office Action also has not shown where in Hall there is any discussion of polydispersity or any basis in Swarup et al., Hall or any combination of Swarup et al. and Hall for making a coating composition using "an alkyd resin having a polydispersity of less than about 2".

The proposed combination does not satisfy the requirements for a §103 rejection for the reasons recited above with respect to the §103 rejection of claims 19 and 20, see MPEP §§2141.02, 2143.01 V and 2143.01 VI. Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claim 26 as being unpatentable over Swarup et al. as applied to claim 1 above, and further in view of Hall.

Rejection of claim 38 under 35 U.S.C. §103(a)

Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Swarup et al. as applied to claim 31 above, and further in view of Sodhi, on grounds that:

"Considering Claim 38: Swarup et al. teaches the composition of claim 31 as shown above.

"Swarup et al. does not teach the acid number as being as claimed. However, Sodhi teaches an alkyd resin for coatings that has an acid number of between 5 and 10 (2:29-43). Swarup et al. and Sodhi are combinable as they are concerned with the same field of endeavor, namely alkyd resin coatings. It would have been obvious to a person having ordinary skill in the art at the time of invention to have used an alkyd resin with the acid number of Sodhi in the coating of Swarup et al., and the motivation to do so would have been, as Sodhi suggests to provide a clear resin (1:23)." (see the Office Action at page 7).

USSN: 10/522,120160-P-1588USWO

Reconsideration is requested. For the reasons already discussed above with respect to the §102 rejection of claim 1, the Office Action is incorrect when it asserts that "Swarup et al. teaches the composition of claim 31". Swarup et al. do not show a coating composition made using "an alkyd resin having a polydispersity of less than about 2". The proposed combination also does not satisfy the requirements for a §103 rejection for the same reasons give above with respect to the §103 rejection of claims 19 and 20. Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claim 38 as being unpatentable over Swarup et al. as applied to claim 31 above, and further in view of Sodhi.

Rejection of claim 39 under 35 U.S.C. §103(a)

Claim 39 was rejected under 35 U.S.C. 103(a) as being unpatentable over Swarup et al. as applied to claim 31 above, on grounds that:

"Considering Claim 39: Swarup et al. teaches the composition of claim 31 as shown above. Swarup et al. also teaches composition as having a low viscosity (6:13-36).

"Swarup et al. does not teach the alkyd resin having the claimed viscosity. However, it is well known in the art to optimize result effective variables such as viscosity. It would have been obvious to a person having ordinary skill in the art at the time of invention to have used a resin with the claimed viscosity, and the motivation to do so would have been, as Swarup et al. suggests, to provide a high solids content coating with low VOC (6:27-36)." (see the Office Action at page 7).

Reconsideration is requested. For the reasons discussed above with respect to the §103 rejection of claim 38, the Office Action is incorrect when it asserts that "Swarup et al. teaches the composition of claim 31". Swarup et al. do not show a coating composition made using "an alkyd resin having a polydispersity of less than about 2". Swarup et al. do not say what the polydispersity of their alkyd resins actually might be and do not provide weight average molecular weight values which might enable calculation of those polydispersity values. Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claim 39 as being unpatentable over Swarup et al. as applied to claim 31 above.

USSN: 10/522,120160-P-1588USWO**Conclusion**

Applicants have made an earnest effort to address the objections and rejections. Withdrawal of each of them and passage of the application to the issue branch are accordingly requested. The Examiner is encouraged to telephone the undersigned attorney if there any questions regarding this application or this amendment.

Respectfully submitted on behalf
of VALSPAR SOURCING, INC.,

Filed on:
July 14, 2008

By: 

David R. Cleveland
Reg. No. 29,524
Telephone: (612) 331-7412
Facsimile: (612) 331-7401
USPTO Customer No. 23322

IPLM Group, P.A.
Box 18455
Minneapolis, MN 55418